

PROSECUTOR CALLS GITLOW COMMUNIST

**District Attorney Rorke Says
Former Assemblyman Is No
Longer a Socialist.**

FIRST WITNESS IS HEARD

**Testimony That Rose Pastor Stokes
Gave Financial Aid to "Revo-
lutionary Age."**

Ex-Assemblyman Benjamin Gitlow, a Socialist representative from the Third Bronx District in 1918, was placed on trial yesterday before Justice Weeks and a jury in the Criminal Branch of the Supreme Court on the charge of criminal anarchy. Gitlow was arrested in one of the raids by the Lusk Committee in November, and he was jointly indicted with James Larkin, the Irish agitator, on charges based on articles in The Revolutionary Age, which the District Attorney asserts advocated the overthrow of the Government by force and violence. Although a number of alleged associates of Gitlow are involved in the charges, each, including Larkin, demanded a separate trial, and they are to be arraigned at the close of Gitlow's hearing.

Assistant District Attorney Alexander I. Rorke, who is prosecuting the charges, told the jury that the indictment involves both a charge of felony and a misdemeanor. The felony charge is based on the statute enacted soon after the assassination of President McKinley, in 1902. The misdemeanor charge is based on an old statute that was invoked here in the trials of the late Johann Most, the anarchist, who was convicted here in 1896, and fined \$500 and put in prison for a year for making inflammatory speeches.

Mr. Rorke said he was prepared to prove that Gitlow was not now a member of the Socialist Party, but was a member of the seceding "Left Wing;" that the left wingers had since become the Communist Party and that Gitlow is a member of it, and that the Communists owned and controlled the publication from which the offense complained of arose.

"The difference between the Socialist Party and the Communist Party, formerly the left wingers, is that the Socialists advocate bringing about socialism by means of the ballot box, by peaceful measures, while the Communists advocate overthrow of constituted authority by force and violence or by any other unlawful means," declared Mr. Rorke. He read into the record the list of names on the editorial page of The Revolutionary Age, which showed the names of some of the defendants, including Gitlow and Larkin.

The first witness, Nathan Elkin, a printer at 266 Grand Street, testified that Gitlow made the first arrangements with him for the publication weekly of 16,000 copies of The Revolutionary Age. A delivery of the papers was made to Gitlow at the headquarters of the organization at 43 West Twenty-ninth Street. It was brought out that payment for one edition of the paper was made by a check signed by Mrs. Rose Pastor Stokes as "Treasurer of the Left Wing Socialist Fund."

Clarence L. Converse, a special agent for the Lusk Committee, told of buying copies of the paper at the headquarters, where he had seen Gitlow, who was acting as business manager. When court adjourned Mr. Rorke had read into the record part of an article in the publication entitled "The Left Wing Manifesto." Mr. Rorke said this matter formed the basis for the charges of anarchy, and that, in substance, the manifesto declared that "massed action of the proletariat is the only means of overthrowing the capitalistic State."

The trial will be resumed Monday. Assisting Mr. Rorke is Major Rich, a Special Deputy Attorney General. Clarence Darrow and Charles Recht are attorneys for the defense.